



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A(MD)NO.488 OF 2017

U.Sudhakar :Appellant/Petitioner

.vs.

- 1.The General Manager,
Tamil Nadu Civil Supplies Corporation Limited,
No.12, Thambusamy Road,
Kilpauk, Chennai.
- 2.The Senior Regional Manager,
Tamil Nadu Civil Supplies Corporation,
Thanjavur Region, Sachidananda Moopnar Road, Thanjavur.
- 3.The Deputy Manager(P &M),
Tamil Nadu Civil Supplies Corporation,
Thanjavur. : Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.1437 of 2012, dated 14.02.2018.

Prayer in WP(MD). 1437/ 2012 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certioratified Mandamus, calling for the records of the Na.Ka.No.C2/959/11 dated 29.06.2011 passed by the 2nd respondent and quash the same and directing the respondents to issue an order of appointment on compassionate ground to the Petitioner.

For Appellant : Mr.G.Karnan
For Respondents : No appearance

JUDGMENT

[Judgment of the Court was made by **T.S.SIVANANAM, J.**]

Heard Mr.G.Karnan, learned counsel appearing for the Petitioner and none appears on behalf of the respondents.

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2.This appeal is directed against the order passed in W.P(MD) No.1437 of 2012, dated 14.02.2018.

3.The appellant sought for appointment on compassionate grounds stating that his father Shri.Uthamanathan, who was employed as a Watchman in the third respondent/Corporation, died in harness on 5.11.2003 and hence, the Petitioner has submitted an application for grant of appointment on compassionate grounds on 3.2.2004 and the same was not considered by the respondents and therefore, he made representations. Further, vide proceedings, dated 29.6.2011, the representation of the Petitioner was rejected by the second respondent. Challenging the same, the appellant has come forward with this Writ Petition to quash the said proceedings and to appoint him on compassionate grounds.

4.On a reading of the order passed by the second respondent, dated 29.6.2011, it shows that the appellant's father was working as a temporary Watchman and nothing on record to show that he was appointed in the time scale of pay in a regular vacancy. In such circumstance, the scheme of compassionate appointment as framed by the respondents/Corporation cannot be extended to the legal heirs of the deceased temporary employee.

5.The learned counsel for the appellant has drawn the attention of this Court to the proceedings of the respondents/Corporation, dated 5.5.2011, wherein, a sum of Rs.4975/- was paid as Gratuity.

6.In our considered view, the said record alone will not be sufficient to come to the conclusion that the appellant's father was working as a permanent employee of the respondents/Corporation. Therefore, the appellant has not made out any case to set aside the order passed by the second respondent, dated 29.6.2011.

7.For all the above reasons, the Writ Appeal fails and the same stands dismissed. The dismissal of the Writ Appeal will not prevent the appellant from applying for any recruitment that may be notified by the respondents/Corporation in future, if the appellant is eligible to participate in the recruitment process. No costs.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

vsn



To

1.The General Manager,
Tamil Nadu Civil Supplies Corporation Limited,
No.12, Thambusamy Road,
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Chennai.

2.The Senior Regional Manager,
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Thanjavur Region,
Sachidananda Moopanar Road,
Thanjavur.

3.The Deputy Manager(P &M),
Tamil Nadu Civil Supplies Corporation,
Thanjavur.

+1CC TO MR.G.KARANAN, Advocate Sr. No. 90488

JUDGMENT MADE IN
W.A(MD) No.488 of 2018
26.09.2019

GKG(CO)
TR(14.10.2019) 3P 5C